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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,636	03/30/2001	Yasuyo Maruwaka	L9289.01127	3570

7590 03/17/2004

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.  
1615 L Street, N.W., Suite 850  
Washington, DC 20036

EXAMINER
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LEE, CHI HO A

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 03/17/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

PRC

# Office Action Summary

Application No.

09/820,636

Applicant(s)

MARUWAKA ET AL.

Examiner

Andrew Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-8, 17-18 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

1. Claims 1-7, 11 are objected to because of the following informalities:

Claim 1, line 1, "A rate matching" should be changed to – A computer for rate matching-;

, line 3, "the" should be –a-;

, line 5, "the" should be –a-;.

, line 7, "weight" should be - a weight-;

Claim 2, line 1, "A rate matching" should be changed to – A computer for rate matching-;

, line 3, "the" should be –a-;

, line 5, "the" should be –a-;.

, line 7, "weight" should be - a weight-;

, line 13, "the" should be deleted;

Claim 3, line 1, "A rate matching" should be changed to – A computer for rate matching-;

, line 3, "the" should be –a-;

, line 5, "the" should be –a-;.

, line 7, "weight" should be - a weight-;

Claim 4, line 1, "A rate matching" should be changed to – A computer for rate matching-;

Claim 5, line 4, "the" should be –a-;

, line 6, "the" should be -a-;

, line 8, "weight" should be - a weight-;

Claim 6, line 4, "the" should be -a-;

, line 6, "the" should be -a-;

, line 8, "weight" should be - a weight-;

Claim 7, line 4, "the" should be -a-;

, line 6, "the" should be -a-;

, line 8, "weight" should be - a weight-;

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4, 9, 10, 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re Claims 1-3, line 4, it is unclear what is being *obtained* in "using data per frame on CCTrCH" as claimed. It appears that this step should be placed after the step of "obtaining" in line 9. The body of the claim(s) should recite positive recitation in processing the rate matching method, such as "multiplexing rate matched TrCH to generate frame data matching frame length on the CCTrCH".

Claims 9 and 10 both depend on Claim 5. Claim 5 recites in preamble "A rate matching apparatus: ". Claim 9 recites "A base station apparatus comprising: the rate

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matching apparatus". It is unclear what is being invented, i.e., "A rate matching apparatus" or "A base station". Since claim 9 depends on claim 5, it should only further limit the "A rate matching apparatus" and not relate the "A rate matching apparatus" to other separate components. Same reasoning for Claims 10 and 13-16.

***Allowable Subject Matter***

4. Claims 5-8, 17-18 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

As U.S. Patent Number 6,473,442 teaches rate matching of bit rates of a plurality of transport channel each handling a service to a bit rate of a physical channel handling multiplexed services using relative offset measures and predefined rules.

Prior art fails to teach rate matching calculating means for calculating a rate matching parameter on the basis of the number of the increase or decrease bits on each channel for frame obtained.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 703-305-1500. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

AI  
3/14/04  **ANDY LEE**  
**PATENT EXAMINER**